

FORTY-FIFTH DAY

(Wednesday, April 8, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Merciful Father, there is a way that seemeth right unto a man, but the end thereof are the ways of death. Save us from wrong choices; inspire us by Thy love; guide us by Thy spirit; protect us by Thy power; and in mercy receive us. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committee

Senator Weinert submitted the following reports:

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 412, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

WEINERT, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 355, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 415, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 416, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 419, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 271, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 350, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute attached hereto do pass in lieu thereof and be printed.

WEINERT, Chairman.

C. S. S. B. No. 350 was read the first time.

Senator Hazlewood submitted the following report:

Austin, Texas,
April 8, 1958.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections to whom was referred H. B. No. 115, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

HAZLEWOOD, Chairman.

Senator Willis submitted the following report:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 431, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Krueger submitted the following reports:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B.

No. 564, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 498, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senate Resolution 306

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Civics Class of San Marcos Baptist Academy of San Marcos, Hays County, Texas, accompanied by their teacher and sponsor, Mrs. Robert G. Williams and Mr. Gibbons; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students, teacher and sponsor to the Members of the Senate.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 339, A bill to be entitled

"An Act amending Section 78 of Chapter 27, Acts of the 42nd Legislature, Third Called Session, 1932 (Section 78 of Article 8263e, Vernon's Revised Civil Statutes of Texas), so as to authorize navigation districts coming within the purview of this Act to own lands partly within and partly without or wholly within or wholly without the boundaries of any incorporated city, town or village and providing that such lands not included within the boundaries of any such city, town or village on the effective date of this Act or at the time of their acquisition by such District can only be owned by any such city, town or village with the consent of such District; and declaring an emergency."

H. B. No. 536, A bill to be entitled "An Act to amend Section 1, Chapter 323, Acts of the 54th Legislature, 1955, codified as Vernon's Texas Civil Statutes, Article 3737d-1 providing for the appointment of Court interpreters in certain Judicial Districts; providing for payment of salaries to such interpreters, and declaring an emergency."

H. C. R. No. 35, Granting permission to George T. Odom to sue the State of Texas and the Lower Colorado River Authority.

H. C. R. No. 77, Commending the trustees of the M. D. Anderson Foundation for their unselfish contribution to Texas State Government.

H. C. R. No. 79, Commending the University of Texas Law School on their participation in Annual Law Day.

Senate Resolution 307

Senator Krueger offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Texas History Class of Giddings High School, accompanied by their teacher, Miss Bess Black; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recog-

nize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the students and Miss Black to the Members of the Senate.

Senate Resolution 308

Senator Krueger offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Seventh Grade Civics Class of O'Bryant Elementary School of Bellville, accompanied by their teachers, William R. Fischer and Mrs. Don Godwin; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Resolution 309

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Girl Scout Troop 919 accompanied by their Leader, Mrs. Paul A. Stagg and their Co-Leaders, Mrs. V. L. Johnson, Mrs. R. D. Wiseman and Mrs. R. M. Garrett; Explorer Post 143 of the Boy Scouts with their Advisors, Mr. Paul A. Stagg and Mr. Ewing Martin, all of Conroe, Montgomery County, Texas; and

Whereas, These Scouts are desirous of becoming well informed citizens and have endeavored to place in practice their motto, "Be Prepared," by devoting the past three months to a very intensive study of citizenship, the State Legislature and Congress; and

Whereas, They likewise are responsive to the wisdom of the Explorers' slogan, "Our Best Today for a Better Tomorrow," and are now seeking to broaden their knowledge and experience by a visit to the State Capitol, the Governor's Mansion and other places of interest in the Capital City; and

Whereas, We are delighted that these fine young American citizens are here to observe governmental processes in action; now, therefore, be it

Resolved, That we officially recognize and welcome these Scouts and commend them for their interest, and that a copy of this resolution properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition and appreciation of their visit.

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the Scouts and Leaders to the Members of the Senate.

Senate Concurrent Resolution 47

Senator Hardeman offered the following resolution:

S. C. R. No. 47, Memorializing Congress relative to importation of sheep from foreign countries infected with scrapie.

Whereas, It has come to the attention of the livestock industry in this State of recent outbreaks of scrapie in sheep flocks in California and perhaps other states; and

Whereas, The outbreaks of this disease in the United States have been traced directly to importation of infected sheep from Canada; and

Whereas, This disease, if not immediately exterminated, will result in its spread to Texas and other sheep producing states, thereby causing serious economic loss to the livestock industry; and

Whereas, It is the desire of the Legislature of this State that action be taken by the United States government to prevent the importation

into this country of infected sheep from any country in which such disease exists; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Secretary of Agriculture of the United States Department of Agriculture be requested to take such action as necessary and authorized by law to prohibit the further importation of sheep into the United States from any other country in which the disease of scrapie is known to exist; and, be it further

Resolved, That copies of this resolution be furnished the members of the Texas Congressional delegation and to Senators Johnson and Yarbrough.

HARDEMAN
CRUMP

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 48

Senator Fly offered the following resolution:

S. C. R. No. 48, Suspending the Joint Rules to consider S. B. No. 315 at any time.

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the joint rules of both Houses be suspended and they are hereby suspended to allow the House and the Senate to take up Senate Bill No. 315 at any time.

The resolution was read.

On motion of Senator Fly and by unanimous consent the resolution was considered immediately and was adopted.

Senate Resolution 310

Senator Baker offered the following resolution:

Whereas, The Choralettes, girls' choir of Lamar Senior High School in Houston, Texas, have brought signal honor to the State of Texas by being invited to participate in the internationally-famous Cherry Blossom Festival in Washington, D. C., on April 10th through April 12th, 1959; and

Whereas, This appearance in Wash-

ington is but another of the many awards of merit bestowed upon the Choralettes since their organization in 1950, and upon their able director, Mr. Lee Keding, who has led and guided them in numerous concerts before civic and educational groups in both Texas and neighboring states; and

Whereas, The Choralettes have been commissioned by the Governor as official representatives of the State of Texas at the Cherry Blossom Ball and Pageant, and as Ambassadors of Good Will to the people of our National Capital; and

Whereas, Activities such as this by the youth of our great State should be encouraged and full recognition given to their outstanding talent; and

Whereas, The spirit of the Choralettes' motto, "In harmony there is unity," is worthy of emulation by all Texans and by all men of good will throughout the world; now, therefore, be it

Resolved, By the Senate of the State of Texas, that the Choralettes be congratulated and commended for their high attainment in the music world and for their many achievements redounding to the benefit of the State of Texas; and be it further

Resolved, That an official copy of this Resolution be sent to Mr. Lee Keding in appreciation of his many accomplishments with and for the Choralettes.

The resolution was read and was adopted.

Senate Resolution 311

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. L. E. Million and two little Millions; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Ratliff by unanimous con-

sent presented the guests to the Members of the Senate.

Senate Resolution 312

Senator Secrest offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate 28 students of the 7th and 8th Grades of Speegleville School, McLennan County, Texas, accompanied by their teacher, Mrs. Roselyn Johnson; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented the students and Mrs. Johnson to the Members of the Senate.

Senate Resolution 313

Senator Krueger offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Texas History Class of Bishop Forest High School of Schulenburg, accompanied by their teacher, Erwin Pavlik; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the students and their teacher to the Members of the Senate.

Senate Concurrent Resolution 49

Senator Aikin offered the following resolution:

S. C. R. No. 49, Expressing appreciation to Congress of Parents and Teachers on 50th anniversary.

Whereas, The Texas Congress of Parents and Teachers, through its five original objectives, works

To promote the welfare of children and youth in home, school, church and community;

To raise the standards of home life;

To secure adequate laws for the care and protection of children and youth;

To bring into closer relation the home and the school, that parents and teachers may cooperate intelligently in the training of the child;

To develop between educators and the general public such united efforts as will secure for every child the highest advantages in physical, mental, social and spiritual education; and

Whereas, This organization will observe its 50th anniversary in October, 1959; and

Whereas, It is the desire of the 56th Legislature to extend hearty congratulations on attaining this milestone; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that we express our deep appreciation to the Congress of Parents and Teachers, and to its individual members, for the excellent service it has rendered in behalf of our children in this State during the past five decades, and that this great organization be encouraged toward continued success in its mission.

AIKIN
HAZLEWOOD
HARDEMAN

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

House Bills 498 and 564 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. Nos. 498 and 564 were ordered not printed.

Senate Bill 432 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Weinert:

S. B. No. 432, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59 of Article 16, Constitution of Texas, to be known as Hays County Wimberley Water Supply District; providing for the rights, powers, privileges, and duties thereof; providing for a Board of Supervisors and a Tax Assessor and Collector thereof; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Bill 433 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Dies:

S. B. No. 433, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways in San Augustine County; authorizing the County to issue certificates of indebtedness for the purpose of constructing improvements to the public roads within said County; providing terms, conditions, and provisions relating to said certificates of indebtedness and to their issuance; requiring the levy of a tax to pay such certificates and the interest thereon; authorizing the refunding of said certificates; enacting other provisions relating to the subject; providing that this Act shall be cumulative of other laws relating to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 434 on First Reading

By unanimous consent the follow-

ing local bill was introduced, read first time and referred to the committee indicated:

By Senator Roberts:

S. B. No. 434, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Texas Constitution comprising the territory contained within the City of Bonham in Fannin County, Texas, for the purpose of providing a source of water supply for municipal, domestic, mining and industrial use and treating and transporting the same; providing for the annexation of additional territory thereto; providing for a board of directors for the government of said district; authorizing the district to do all things necessary to make available for municipal, domestic, mining and industrial uses, the water from streams within or without the district, and water it may obtain by purchase, lease and operation contracts with cities, persons, firms, corporations and public agencies; authorizing the issuance of bonds and providing for the payment and security thereof; making applicable to the district, Title 52 Revised Civil Statutes of Texas, as amended, relating to eminent domain and certain general laws relating to water control and improvement districts; prescribing the other powers of the district; enacting other provisions relating to this subject; providing a saving clause; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Bill 435 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Willis:

S. B. No. 435, A bill to be entitled "An Act relating to the functioning of the Probate Court of Tarrant County and the County Court of Tarrant County in probate matters; amending Sections 3 and 11 of Chapter 400, Acts of the 55th Legislature, Regular Session, 1957 (codified as Sections 3 and 11 of Article 1970-345 in Vernon's Texas Civil Statutes), relating to the filing of proceedings in the said Courts, the transfer of proceedings from one Court to the other, and

the hearing and determination of proceedings pending in either of said Courts by the Judge of the other of said Courts; adding a new section to said Chapter 400, providing that proceedings had in either of said Courts shall not be invalid on certain grounds and validating previous acts and proceedings as against charges of invalidity on such grounds; providing for severability; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 412 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent S. B. No. 412 was ordered not printed.

House Bill 271 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 271 was ordered not printed.

House Bill 115 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 115 was ordered not printed.

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,
April 8, 1959.

To the Senate of the Fifty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the South Central Interstate Forest Fire Protection Compact Advisory Committee, to succeed A. E. Cudlipp, resigned:

John W. Newton of Beaumont, Jefferson County.

Respectfully, submitted,

PRICE DANIEL,
Governor of Texas.

House Bill 7 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time

on its second reading and passage to third reading:

H. B. No. 7, A bill to be entitled "An Act creating a conservation and reclamation District to be known as the 'Edwards Underground Water District' for the purpose of conserving and protecting the underground waters and recharging underground formations underlying parts of Bexar, Comal, Hays, Kinney, Medina and Uvalde Counties; defining the boundaries of the District; etc., and declaring an emergency."

The bill was read second time.

Senator Reagan offered the following amendment to the bill:

Amend Section 16 of House Bill No. 7 by inserting in the first line of said section, following the word "construction," the following sentence:

"This Act shall not be construed to be a grant of any rights of superior existing permits or water rights."

The amendment was adopted.

Senator Crump offered the following amendment of the bill:

Amend H. B. 7, Sec. 3, p. 2 of printed bill, lines 59 and 60 by changing the comma after the word "water" on line 59 to a semicolon and striking the following language "and to adjacent counties to those counties named herein."

**HARDEMAN
CRUMP**

The amendment was adopted.

On motion of Senator Weinert and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 7 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

(Senator Weinert in the Chair.)

Senate Resolution 314

Senator Aikin offered the following resolution:

Whereas, Rev. Ted McElroy of Wichita Falls is a visitor at the Capitol today; and

Whereas, We are delighted to have this distinguished citizen as our guest; now, therefore, be it

Resolved, By the Senate that Rev. McElroy be extended a hearty welcome and the privileges of the floor for today.

**AIKIN
MOFFETT**

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented Reverend McElroy to the Members of the Senate.

Senate Resolution 315

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Government Class of Alamo Heights High School, Bexar County, accompanied by their teacher and sponsor, Miss Johnnie McCaughan and Mrs. Steger Chapman, parent; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students, teacher and sponsor to the Members of the Senate.

Senate Resolution 316

Senator Dies offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Bob Murphy and Billie Lee Thompson; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Dies by unanimous consent presented Mr. Murphy and Mr. Thompson to the Members of the Senate.

Senate Resolution 317

Senator Hudson offered the following resolution:

Whereas, We of the Senate of Texas wish to applaud the magnificent fight for freedom being made in Tibet. We also censure the brutal and inhumane repression that is being committed by the Chinese Communists in Tibet. We find a tragic similarity between the Chinese ruthlessness in Tibet and the Russian brutality in Hungary during 1956. The stand for freedom made by this lonely Himalayan Country of a million people against the Chinese Communist Nation of 650,000,000 people is symbolic to us of what freedom means.

The Dalai Lama's flight to India has made the Asian Nations more aware than ever before of the absolute antipathy of Communism toward any of the world's great religions. We sincerely hope that this fight for freedom will make all of the Nations of Asia aware of the inherent ruthlessness and barbarism of the Chinese Communist tyranny.

Finally, we, the Senate of Texas, wish to send copies of this resolution to the United States Ambassador to the United Nations, the Secretary General of the United Nations, and to the Secretary of State, John Foster Dulles.

The resolution was read and was adopted.

Senate Resolution 318

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mrs. Leo Moebers, Mrs. E. W. Ashenbeck, Mrs. E. A. Reed, Mrs. W. D. Appling, Mrs. W. J. Humphreys, and Mrs. L. L. Duckett of El Campo; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 319

Senator Secrest offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 17 students of the Davilla Elementary School, Milam County, Texas, accompanied by their teacher, R. B. Fox; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented the students and Mr. Fox to the Members of the Senate.

Senate Resolution 320

Senator Bradshaw offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Miss Enid Justin of Nocona, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Bradshaw by unanimous consent presented Miss Justin to the Members of the Senate.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 361, A bill to be entitled

"An Act to amend Section 5 of Chapter 269 of the Acts of the Fifty-fifth Legislature by adding a new subsection Q to exempt from the regulation of the Securities Act private transactions of interests in oil, gas, and mineral leases, fees, titles, contracts, pooling and unitization agreements; providing severability; and declaring an emergency."

Respectively submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 270, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 435, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senate Bill 435 Ordered Not Printed

On motion of Senator Willis and by unanimous consent S. B. No. 435 was ordered not printed.

Senate Bill 270 Ordered Not Printed

On motion of Senator Secrest and by unanimous consent S. B. No. 270 was ordered not printed.

(President in the Chair.)

House Joint Resolution 6 on Second Reading

Senator Kazen asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 6 for consideration at this time.

There was objection.

Senator Kazen then moved to suspend the regular order of business and take up H. J. R. No. 6 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Baker	Moffett
Bradshaw	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Hardeman	Smith
Hazlewood	Weinert
Kazen	Wood
Lane	

Nays—9

Aikin	Owen
Herring	Roberts
Hudson	Secrest
Martin	Willis
Moore	

Absent

Colson	Krueger
Fly	

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 6, Proposing an Amendment to Section 11, Article XVI of the Constitution of the State of Texas, so as to give the Legislature authority to classify loans and lenders, license and regulate lenders, define interest, set maximum rates of interest, and provide for a maximum rate of interest of ten per centum (10%) per annum in the absence of legislation setting maximum rates of interest; providing for the necessary election and the form of the ballot; and providing for the necessary proclamation and publication.

The resolution was read second time.

Senator Kazen offered the following amendment to the resolution:

Amend House Joint Resolution No. 6 by striking out the PREAMBLE which is found below the caption and above the resolving clause.

The amendment was adopted.

Senator Kazen offered the following amendment to the resolution:

Amend House Joint Resolution No. 6 by striking out Section 1 and substituting in lieu thereof the following:

"Section 1. That Section 11, Article XVI of the Constitution of the State of Texas be amended so as to hereafter read as follows:

'Sec. 11. The Legislature shall have authority to classify loans and lenders, license and regulate lenders, define interest and fix maximum rates of interest; provided, however, in the absence of legislation fixing maximum rates of interest all contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious; provided, further, that in contracts where no rate of interest is agreed upon, the rate shall not exceed six per centum per annum'."

The amendment was read.

Senator Herring offered the following amendment to the pending amendment:

Amend amendment No. 2 to H. J. R. No. 6 by deleting the semicolon on line 57, page 1, and adding the following after the words "rates of interest": "on loans of Five Hundred Dollars (\$500.00) or less."

The amendment was read.

(Senator Weinert in the Chair.)

Question—Shall the amendment by Senator Herring to the pending amendment by Senator Kazen be adopted?

Recess

Senator Martin moved the Senate stand recessed until 2:00 o'clock p.m. today.

Senator Hudson moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question first on the motion to adjourn until 10:30 o'clock a.m. tomorrow, Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—7

Herring	Roberts
Hudson	Secrest
Moore	Willis
Owen	

Nays—22

Aikin	Kazen
Baker	Krueger
Bradshaw	Lane
Colson	Martin
Crump	Moffett
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Hardeman	Weinert
Hazlewood	Wood

Absent

Parkhouse	Smith
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Question next on the motion to recess until 2:00 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 12:07 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House were read the first time and referred to the committees indicated:

H. C. R. No. 48, To the Committee on Agriculture and Livestock.

H. C. R. No. 15, To the Committee on Jurisprudence.

H. C. R. No. 40, To the Committee on Jurisprudence.

H. B. No. 661, To the Committee on Game and Fish.

H. B. No. 53, To the Committee on State Affairs.

H. B. No. 443, To the Committee on Game and Fish.

H. B. No. 633, To the Committee on Game and Fish.

H. B. No. 595, To the Committee on Water and Conservation.

H. B. No. 584, To the Committee on State Affairs.

H. B. No. 532, To the Committee on Counties, Cities and Towns.

H. B. No. 730, To the Committee on Jurisprudence.

H. B. No. 729, To the Committee on Jurisprudence.

H. B. No. 721, To the Committee on Game and Fish.

H. B. No. 718, To the Committee on Jurisprudence.

H. B. No. 634, To the Committee on Jurisprudence.

H. B. No. 242, To the Committee on Jurisprudence.

H. B. No. 188, To the Committee on Education.

H. B. No. 167, To the Committee on Privileges and Elections.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 433, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Bill 433 Ordered Not Printed

On motion of Senator Dies and by unanimous consent S. B. No. 433 was ordered not printed.

Senate Resolution 321

Senator Bradshaw by unanimous consent offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. O. H. Hittson and Mrs. Dick Webb of Breckenridge, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Bradshaw by unanimous consent presented the guests to the Members of the Senate.

Reports of Standing Committees

Senator Krueger by unanimous consent submitted the following reports:

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 286, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 661, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 40, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

**House Concurrent Resolution 40
Ordered Not Printed**

On motion of Senator Colson and by unanimous consent H. C. R. No. 40 was ordered not printed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 43, A bill to be entitled "An Act relating to the salaries of all state officers and employees except the salaries and other compensation of District Judges; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Court of Civil Appeals, the Supreme Court and the Court of Criminal Appeals out of the fees of office; specifically suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 48, A bill to be entitled "An Act establishing the Andrews County Juvenile Board; prescribing its membership and powers and providing for compensation of its members; repealing conflicting laws; providing for severability; and declaring an emergency."

S. C. R. 48, Allowing both Houses to take up S. B. 315 at any time.

S. C. R. No. 49, Resolved, by the Senate, the House of Representatives concurring, That we express our deep appreciation to the Congress of Parents and Teachers, and to its individual members, for the excellent service it has rendered in behalf of our children in this State during the past five decades, and that this great organization be encouraged toward continued success in its mission.

H. B. No. 216, An Act appropriating money for the support of the Judicial, Executive, and Legislative branches of the State Government, for the construction of State buildings, the payment of claims against the State, and for State aid to designated public junior colleges, for the two-year period beginning September 1, 1959, and ending August 31, 1961; authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency.

The House has concurred in Senate amendments to House Bill No. 184 by vote of 98 ayes, 6 noes.

Respectfully submitted,

ROROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 286 Ordered Not Printed

On motion of Senator Fly and by

unanimous consent S. B. No. 286 was ordered not printed.

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 361, A bill to be entitled "An Act to amend Section 5 of Chapter 269 of the Acts of the Fifty-fifth Legislature by adding a new subsection Q to exempt from the regulations of the Securities Act private transactions of interests in oil, gas, and mineral leases, fees, titles, contracts, pooling and unitization agreements; providing severability; and declaring an emergency."

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 216, To the Committee on Finance.

Senate Resolution 322

Senator Crump offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Aubrey L. Townsend; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Crump by unanimous consent presented Mr. and Mrs. Townsend to the Members of the Senate.

(Senate Lane in the Chair.)

Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H.

B. No. 633, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senate Bill 436 on First Reading

Senator Moore by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent

Weinert

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Moore:

S. B. No. 436, A bill to be entitled "An Act requiring every person, firm or corporation within this State, engaged in the business of making loans at interest, to file annually with the Secretary of State an affidavit stating that such person, firm or corporation has not, within the preceding year, made any loan in the principal sum of Two Hundred (\$200.00) Dollars or less for a greater rate of interest than ten per cent (10%) per annum; providing a penalty for the violation hereof; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 437 on First Reading

By unanimous consent the follow-

ing local bill was introduced, read first time and referred to the committee indicated:

By Senator Gonzalez:

S. B. No. 437, A bill to be entitled "An Act amending Sections 6 and 17 of Chapter 152, Acts of the 55th Legislature, Regular Session, 1957, as amended, conferring upon the Game and Fish Commission the Authority to regulate the wildlife resources of Bexar County; providing for the killing and taking of antlerless deer; providing an effective date; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 438 on First Reading

Senator Rogers by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent

Baker	Weinert
Herring	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Rogers:

S. B. No. 438, A bill to be entitled "An Act amending Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957; so as to change sub-section (e) of Section 9 of such Act and providing that eggs shall not be labeled as "fresh" which have been held under refrigeration for

a period of sixty (60) days or more; and declaring an emergency."

To the Committee on Agriculture and Livestock.

Reports of Standing Committees

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
April 7, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your committee on Education, to whom was referred S. B. No. 271, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WILLIS, Chairman.

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your committee on Game and Fish, to whom was referred S. B. No. 437, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 430, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senate Bill 271 Ordered Not Printed

On motion of Senator Secrest and by unanimous consent S. B. No. 271 was ordered not printed.

Senate Bill 437 Ordered Not Printed

On motion of Senator Gonzalez and

by unanimous consent S. B. No. 437 was ordered not printed.

House Bill 633 Ordered Not Printed

On motion of Senator Moffett and by unanimous consent H. B. No. 633 was ordered not printed.

Senate Bill 430 Ordered Not Printed

On motion of Senator Owen and by unanimous consent S. B. No. 430 was ordered not printed.

Report of Standing Committee

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 424, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senate Bill 424 Ordered Not Printed

On motion of Senator Bradshaw and by unanimous consent S. B. No. 424 was ordered not printed.

Senate Bill on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Hazlewood:

S. B. No. 439, A bill to be entitled "An Act creating a Juvenile Board for Gray County and designating the Chairman thereof; providing additional compensation for county and district judges serving thereon; stating the effect of this Act on existing laws; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 439, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senate Bill 439 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent S. B. No. 439 was ordered not printed.

Senate Resolution 323

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Carlos Ashley of Llano, Texas, a former member of this Senate; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and that he have privileges of the floor.

HAZLEWOOD
CRUMP

The resolution was read and was adopted.

Senate Resolution 325

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mary S. Lampis and Louis Pack of San Antonio; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

GONZALEZ
WOOD

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 326

Senator Secrest offered the following resolution:

Whereas, We are honored today to have as visitors Mr. and Mrs. James A. Cunningham; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and that they be granted the privileges of the floor for the rest of the night.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented Mr. and Mrs. Cunningham to the Members of the Senate.

(President in the Chair.)

House Joint Resolution 6
on Second Reading

The President laid before the Senate as pending business H. J. R. No. 6 on its second reading with an amendment by Senator Herring to the pending amendment by Senator Kazen pending.

Question—Shall the amendment by Senator Herring to the pending amendment by Senator Kazen be adopted?

Senator Herring by unanimous consent withdrew his amendment to the pending amendment by Senator Kazen.

Senator Herring offered the following amendment to the pending amendment:

Amend Amendment No. 2 to H. J. R. No. 6 by striking out Section 1 and substituting in lieu thereof the following:

"Section 1. That Section 11, Article XVI of the Constitution of the State of Texas be amended so as to hereafter read as follows:

'Section 11. All contracts for a greater rate of interest than ten per centum (10%) per annum shall be deemed usurious, except contracts for providing a loan of Five Hundred Dollars (\$500.00) or less. The Legislature shall have authority to classify loans and lenders, license and regulate

lenders, define interest and fix maximum rates of interest on contracts providing for loans of Five Hundred Dollars (\$500.00) or less; provided, however, in the absence of the Legislature fixing maximum rates of interest on contracts for loans of Five Hundred Dollars (\$500.00) or less no such contract shall provide for a greater rate of interest than ten per centum (10%) per annum and any in excess thereof shall be deemed usurious; provided, further, that in contracts where no rate of interest is agreed on, the rate shall not exceed six per centum (6%) per annum. The first Legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent violation and for the enforcement hereof.'"

The amendment was read.

(Senator Lane in the Chair.)

Senator Kazen moved to table the amendment by Senator Herring to the pending amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Bradshaw	Lane
Colson	Moffett
Crump	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Smith
Kazen	Wood
Krueger	

Nays—11

Aikin	Moore
Baker	Owen
Dies	Roberts
Herring	Secrest
Hudson	Willis
Martin	

Absent

Weinert

Senator Willis offered the following substitute for the pending amendment by Senator Kazen:

Amend H. J. R. No. 6 by striking out all below the resolving clause and substituting in lieu thereof the following:

Section 1. That Section 11, Article XVI of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 11. All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first Legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon, the rate shall not exceed six per centum per annum. Provided, however, that the Legislature shall have authority to set a maximum rate of interest of two per centum per month on the unpaid balance on loans of Two Hundred Dollars or less and that such rate of interest shall include all charges or fees of any nature whatsoever which may be imposed by a lender in any such loan transaction."

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1960, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment giving the Legislature authority to set an interest rate of two per centum per month on loans of Two Hundred Dollars or less."

"AGAINST the Constitutional Amendment giving the Legislature authority to set an interest rate of two per centum per month on loans of Two Hundred Dollars or less."

Sec. 3. The Governor shall issue the necessary proclamation for the said election and have the same published as required by the Constitution and laws of this State.

The substitute for the pending amendment was read.

Senator Kazen moved to table the amendment.

Question on the motion to table. yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—24

Aikin	Fly
Bradshaw	Fuller
Colson	Gonzalez
Crump	Hardeman
Dies	Hazlewood

Hudson	Phillips
Kazen	Ratliff
Krueger	Reagan
Lane	Rogers
Martin	Secrest
Moffett	Smith
Parkhouse	Wood

Nays—4

Moore	Roberts
Owen	Willis

Absent

Baker	Weinert
Herring	

Senator Willis offered the following substitute for the pending amendment by Senator Kazen:

Amend H. J. R. No. 6 by striking out all below the Resolving Clause and substituting in lieu thereof the following:

Section 1. That Section 11, Article XVI of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 11. All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first Legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon, the rate shall not exceed six per centum per annum. Provided, however, that the Legislature shall have authority to set a maximum rate of interest of three per centum per month on the unpaid balance on loans of Three Hundred Dollars or less and that such rate of interest shall include all charges or fees of any nature whatsoever which may be imposed by a lender in any such loan transaction."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1960, as which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment giving the Legislature authority to set a maximum interest rate of three per centum per month on loans of Three Hundred Dollars or less."

"AGAINST the Constitutional Amendment giving the Legislature authority to set a maximum interest rate of three per centum per month

on loans of Three Hundred Dollars or less."

Sec. 3. The Governor shall issue the necessary proclamation for the said election and have the same published as required by the Constitution and laws of this State.

The substitute for the pending amendment was read.

Senator Kazen moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—23

Aikin	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Wood
Krueger	

Nays—4

Moore	Roberts
Owen	Willis

Absent

Baker	Herring
Fuller	Weinert

Senator Owen offered the following amendment to the pending amendment:

Amend Amendment No. 1 to H. J. R. No. 6 by deleting all of Section 1 thereof and substituting in lieu therefor the following:

Section 1. That Section 11, Article XVI of the Constitution of the State of Texas be amended so as to hereafter read as follows:

All contracts for money of \$600.00 or less shall be regulated by the legislature in the classification of loans and lenders, the licensing and regulation of lenders, the setting and defining of rates of interest, and the prescription of pains and penalties. All other contracts, however, in the absence of legislation fixing interest rates and licensing lenders as above authorized and such contracts for a

greater rate of interest than 10% per annum shall be deemed usurious, and the first Legislature after this amendment is adopted, shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon, the rate shall not exceed six per centum per annum.

The amendment to the pending amendment was read.

(Senator Hardeman in the Chair.)

Pending further discussion by Senator Owen of his amendment, Senator Moffett occupied the Chair.

(Senator Fly in the Chair.)

Question—Shall the amendment by Senator Owen to the pending amendment by Senator Kazen be adopted?

Senate Resolution 324

Senator Aikin offered the following resolution:

Whereas, Mr. and Mrs. Wallace Finfrock are visitors at the Capitol today; and

Whereas, We are delighted to have these outstanding citizens as our guests; now, therefore, be it

Resolved, That Mr. and Mrs. Finfrock be extended a hearty welcome and the privileges of the floor for today.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

**House Joint Resolution 6 on
Second Reading**

The Senate resumed the consideration of H. J. R. No. 6 on its second reading with an amendment by Senator Owen to the pending amendment by Senator Kazen pending.

Question—Shall the amendment by Senator Owen to the pending amendment by Senator Kazen be adopted?

The Presiding Officer (Senator Fly in the Chair) recognized Senator Kazen.

Senator Owen raised the point of order that the presiding officer had improperly recognized Senator Kazen because he, Senator Owen, had yield-

ed to Senator Aikin only for a resolution.

The Presiding Officer (Senator Fly in the Chair) overruled the point of order, stating that Senator Owen had left the floor of the Senate and that Senator Owen was not at his seat and not on the floor of the Senate when Senator Aikin concluded his remarks, and that Senator Kazen was the only Senator seeking recognition at the time.

Senator Kazen moved to table the amendment by Senator Owen to the pending amendment.

The amendment (by Senator Owen) to the pending amendment was tabled by the following vote:

Yeas—19

Bradshaw	Lane
Colson	Moffett
Crump	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Smith
Kazen	Wood
Krueger	

Nays—10

Aikin	Moore
Baker	Owen
Dies	Roberts
Hudson	Secrest
Martin	Willis

Absent

Herring	Weinert
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Senator Martin offered the following amendment to the pending amendment:

Amend Amendment No. 2 to H. J. R. No. 6 by adding a new sentence to read as follows:

"Should any regulatory agency cancel or refuse to grant any permit under any law passed by the legislature, then such applicant or holder shall have the right of appeal to the courts and granted a trial de novo as that term is used in appealing from the justice of peace court to the county court."

The amendment to the pending amendment was adopted.

(Senator Hardeman in the Chair.)

Senator Martin offered the following amendment to the pending amendment:

Amend Amendment No. 2 to H. J. R. No. 6 by adding another sentence at the end to read as follows:

"Provided also, that the term interest shall continue to include other charges as now provided by law until changed by the legislature."

The amendment was read.

Senator Kazen moved to table the amendment by Senator Martin.

Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Bradshaw	Lane
Colson	Moffett
Crump	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Smith
Hazlewood	Wood
Kazen	

Nays—12

Aikin	Moore
Baker	Owen
Dies	Roberts
Hudson	Rogers
Krueger	Secrest
Martin	Willis

Absent

Herring	Weinert
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Senator Moore offered the following amendment to the pending amendment:

Amend Amendment No. 2, H. J. R. No. 6 on line 2, page 2, by inserting after the word "amendment" the following: "removing the constitutional ceiling on interest rates."

The amendment was read.

Senator Kazen raised the point of order that the amendment by Senator Moore was not germane to the pending amendment.

The Presiding Officer (Senator Hardeman in the Chair.) sustained the point of order on the grounds that the amendment sent up by Sena-

tor Moore sought to amend a section of the resolution not sought to be amended by the pending amendment.

Senator Owen offered the following amendment to the pending amendment:

Amend the Amendment to H. J. R. No. 6 by deleting the words "have authority to" in the first line of the quoted "Sec. 11."

The amendment was read.

Senator Kazen moved to table the amendment by Senator Owen to the pending amendment.

The motion to table prevailed by the following vote:

Yeas—20

Aikin	Lane
Baker	Moffett
Bradshaw	Parkhouse
Colson	Phillips
Crump	Ratliff
Dies	Reagan
Fly	Rogers
Fuller	Secrest
Hardeman	Smith
Kazen	Wood

Nays—7

Hudson	Owen
Krueger	Roberts
Martin	Willis
Moore	

Present—Not Voting

Gonzalez

Absent

Hazlewood	Weinert
Herring	

Senator Kazen moved the previous question on the pending amendment and passage of H. J. R. No. 6 to third reading and the motion was duly seconded.

The previous question failed to be ordered by the following vote:

Yeas—13

Colson	Lane
Crump	Moffett
Fly	Parkhouse
Fuller	Ratliff
Hardeman	Reagan
Kazen	Wood
Krueger	

Nays—15

Aikin	Owen
Baker	Phillips
Bradshaw	Roberts
Dies	Rogers
Gonzalez	Secrest
Hudson	Smith
Martin	Willis
Moore	

Absent

Hazlewood	Weinert
Herring	

Senator Moore offered the following substitute for the pending amendment:

Amend H. J. R. No. 6 by striking out all below the resolving clause and substituting in lieu thereof the following:

Section 1. That Section 11, Article XVI of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 11. ALL contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first Legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon, the rate shall not exceed six per centum per annum. Provided, however, that the Legislature shall have authority to set a maximum rate of interest of two per centum per month on the unpaid balance on loans of Four Hundred Dollars or less and that such rate of interest shall include all charges or fees of any nature whatsoever which may be imposed by a lender in any such loan transaction."

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1960, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment giving the Legislature Authority to set an interest rate of two per centum per month on loans of Four Hundred Dollars or less.

"AGAINST the Constitutional Amendment giving the Legislature Authority to set an interest rate of two per centum per month on loans of Four Hundred Dollars or less."

Sec. 3. The Governor shall issue the necessary proclamation for the said election and have the same published as required by the Constitution and laws of this state.

The amendment was read.

Senator Lane moved to table the substitute for the pending amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—22

Aikin	Krueger
Baker	Lane
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Rogers
Hardeman	Secrest
Hudson	Smith
Kazen	Wood

Nays—5

Martin	Roberts
Moore	Willis
Owen	

Absent

Fuller	Herring
Hazlewood	Weinert

Senator Owen offered the following amendment to the pending amendment:

Amend the amendment to H. J. R. No. 6 by inserting after the word interest on the fifth line of said amendment the following:

"and classify loans and lenders and setting up a licensing and regulatory system."

The amendment was read.

Senator Kazen moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—18

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Martin
Gonzalez	Parkhouse
Hardeman	Phillips
Kazen	Ratliff
Krueger	Reagan
Lane	Wood

Nays—7

Hudson	Roberts
Moffett	Secrest
Moore	Willis
Owen	

Absent

Fuller	Rogers
Hazlewood	Smith
Herring	Weinert

The amendment by Senator Kazen to H. J. R. No. 6 as amended was then adopted.

Record of Votes

Senators Willis, Roberts, Owen, Hudson and Moore asked to be recorded as voting "Nay" on the adoption of Senators Kazen's amendment to H. J. R. No. 6.

Senator Moore offered the following amendment to the resolution:

Amend H. J. R. No. 6 on line 2, page 2, by inserting after the word "amendment" the following: "removing the constitutional ceiling on interest rates."

The amendment was read.

Senator Kazen moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Aikin	Krueger
Baker	Lane
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Smith
Hardeman	Wood
Kazen	

Nays—8

Hudson	Roberts
Martin	Rogers
Moore	Secrest
Owen	Willis

Absent

Fuller	Herring
Hazlewood	Weinert

On motion of Senator Kazen and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

Question on passage of the resolution to third reading, yeas and nays were demanded.

H. J. R. No. 6 was passed to third reading by the following vote:

Yeas—19

Baker	Lane
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Rogers
Hardeman	Smith
Kazen	Wood
Krueger	

Nays—8

Aikin	Owen
Hudson	Roberts
Martin	Secrest
Moore	Willis

Absent

Fuller	Herring
Hazlewood	Weinert

Adjournment

Senator Kazen moved the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—19

Baker	Lane
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Rogers
Hardeman	Smith
Kazen	Wood
Krueger	

Nays—8

Aikin	Owen
Hudson	Roberts
Martin	Secrest
Moore	Willis

Absent

Fuller	Herring
Hazlewood	Weinert

Accordingly, the Senate at 11:47 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FORTY-SIXTH DAY

(Thursday, April 9, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Herring	Weinert
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, pride goeth before destruction, and a haughty spirit before a fall. Like a little child coming to an earthly parent, we come to Thee praying that we may ever remember whosoever shall exalt himself shall be abased, and whosoever shall humble himself shall be exalted. We pray in the Savior's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Herring was granted leave of absence for today on account of important business on motion of Senator Krueger.

Senator Weinert was granted leave